

**S.B.CRIMINAL MISC. PETITION NO.1015/2007**

Date : 09.08.2007

**HON'BLE MR. SATYA PRAKASH PATHAK, J.**

Mr. K.R. Bhati for the petitioner.  
Mr. Ashok Upadhyay, Public Prosecutor.  
Mr. Manish Pitaliya for non-petitioner No.2.

By this petition moved under Section 482 Cr.P.C., the petitioner seeks to quash FIR No.153/2007 dated 21.06.2007 of Police Station, Badi Sadari.

It appears that on filing a complaint, the matter was sent to the concerned police station under Section 156(3) Cr.P.C. and matter is still pending investigation. It also appears that a revenue suit in relation to the suit property has also been filed which is based on a Will. The position has not been disputed that on the basis of said Will some mutation was attested in the year 2007 whereas the Will is of the year 2000 and at that time, no Khasra No.61 existed, then, how on the basis of the said Will Khasra No.61 came into existence and how could the petitioner know about this. Thus, all these requires investigation. The position of law is also settled that if prima facie allegation shows that matter

requires investigation, then, the Court should refrain itself from quashing the FIR or to stop the investigation.

In the above circumstances, I do not find any reason to exercise the powers vested in this Court under Section 482 Cr.P.C. The present petition having no merit deserves to be dismissed.

The misc. petition filed by the petitioner stands dismissed summarily.

**(SATYA PRAKASH PATHAK), J.**

**vij**